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REMARKS

Reconsideration of the above referenced application in view of the enclosed amendments and remarks is requested. Claims 1-8, 10-18, 20-22, 25, 30 and 32 have been cancelled. Claims 9, 19, 26, and 27 have been amended. Claims 33-44 have been added. Claims 9, 19, 23-24, 26-29, 31, 33-44 remain in the application.

Claims 3 and 26 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, in each claim, it is asserted that the term "metadata" does not have antecedent basis.

As to claim 3, it has been cancelled. The rejection is now moot.

As to claim 26, the Applicants contend that there is no antecedent basis problem in the claim. In the second element, "metadata" is recited before the use of "the metadata."

Therefore, the rejections must be withdrawn.

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ARGUMENT

Claims 1-27, and 30-32 are rejected under 35 USC 102(b) as being anticipated by Friedman (US 5,499,294).

Claims 1-8, 10-18, 20-22, 25, 30, and 32 have been cancelled. Therefore, the rejection of these claims based on Friedman is moot.

Claims 9, 19, and 26 have been amended to more particularly recite the present invention in light of the cited references. In one limitation, the claims require that audit data is associated with the image data and the metadata, the audit data indicating changes to the image data since capture. In Friedman, as pointed out in the Office action dated November 26, 2004, an authenticity signal A/not A is generated by comparator 23 of Figure 3C to indicate whether the image is authentic or not. Friedman teaches that the signal is a binary condition, either the image is

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authentic or it is not authentic. Thus, Friedman detects if something has changed in the image, but does not indicate what the change is. Friedman does not teach or suggest audit data accompanying the image data which indicates what has changed in the image data. Therefore, taking each independent claim as a whole, Friedman does not teach or suggest amended claims 9, 19, and 26.

New claims 33-36, 37-40, and 41-44 depend from independent claims 9, 19, and 26, respectively. None of the cited art teaches or suggests anything about the newly recited limitations. Therefore, claims 9, 19, 26, and 33-44 are allowable as presented.

As to dependent claims 23, 24, 27, and 31, they depend from allowable independent claims. Thus, they are also allowable.

Claim 28 is rejected under 35 USC 103(c) as being unpatentable over Friedman in view of US Publication No. 2002/0001395 A1 to Davis, et al. (hereinafter Davis).

Claim 28 depends from allowable independent claim 26. Therefore, claim 28 is also allowable.

Claim 29 is rejected under 35 USC 103(c) as being unpatentable over Friedman in view of Steinberg (6,587,949).

Claim 29 depends from allowable independent claim 26. Therefore, claim 29 is also allowable.

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CONCLUSION

In view of the foregoing, Claims 9, 19, 23-24, 26-29, 31, 33-44 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (503) 264-8074. Early issuance of Notice of Allowance is respectfully requested.

Respectfully submitted,

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